

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

Judge Robert W. Schroeder III

UNITED STATES OF AMERICA	§	
	§	
V.	§	CRIMINAL ACTION NO. 6:18CR16
	§	
HEON JONG YOO	§	

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MINUTES FOR JURY SELECTION AND FIRST DAY OF JURY TRIAL  
HELD BEFORE JUDGE ROBERT W. SCHROEDER III  
NOVEMBER 13, 2018

OPEN: 9:00 am

ADJOURN: 5:40 pm

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ATTORNEY FOR PLAINTIFF: Lucas Machicek, Frank Coan and Ryan Locker

ATTORNEY FOR DEFENDANTS: Pro Se and Jeff Haas (standby counsel)

LAW CLERK: Amanda DoCouto

COURTROOM DEPUTY: Betty Schroeder

COURT REPORTER: Shea Sloan

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9:00 am	Outside the presence of the jury panel, the Court and parties discuss schedule and voir dire, number of strikes, instructions, verdict forms and forfeiture; Mr. Yoo addresses the arrest warrant issue, motions in limine, dismissal, recusal, sanctions against the prosecution; Mr. Coan responds; Court responds
10:04 am	Panel seated
10:05 am	Case called; parties announced ready; Court welcomes everyone; Court introduces himself and staff; gives history of jury service; gives schedule of today's proceedings and trial; asks for hardships - #4, #8, #23, #44 and #50
10:18 am	Panel members give introduction
10:35 am	Mr. Machicek introduces himself, witnesses and co-counsel; Court asks panel if

anyone knows anyone mentioned; #9 and #50

10:40 am	Mr. Yoo introduces himself; Court asks panel if anyone knows anyone mentioned - #4; Mr. Haas stands; no one familiar with Mr. Haas
10:45 am	Court questions the panel regarding prior jury service; #1, #3, #12, #16, #22, #23, #24, #30, #32, #34, #37, #39, #40, #44, #46 and #47
10:51 am	Court questions the panel regarding connections to law enforcement agencies; #1, #3, #4, #9, #10, #13, #14, #15, #17, #21, #25, #26, #29, #30, #31, #33, #35, #36, #41, #44, #45, #49 and #50
10:59 am	Court questions the panel regarding being involved in a Court matter; #3, #15, #18, #24, #31, #40 and #49
11:03 am	Court questions the panel regarding reaching verdict solely on evidence presented and instructions about the law; no response
11:03 am	Court questions the panel regarding any publicity or information about the case; #4
11:04 am	Court questions the panel regarding convicting defendant because he is indicted; no response
11:05 am	Court questions the panel regarding any other reason to not render a fair verdict; no response
11:06 am	Court instructs the panel regarding proof beyond a reasonable doubt
11:08 am	Court explains Mr. Yoo being pro se
11:11 am	Mr. Machicek begins voir dire
11:45 am	Recess
11:53 am	Panel members seated
11:55 am	Mr. Yoo begins voir dire
12:07 pm	Mr. Machicek objects; Court - will give some latitude
12:08 pm	Mr. Machicek objects; Court - rephrase the question
12:12 pm	Bench conference

12:22 pm Court releases panel members for break except for #11, #23, #37, #44, #47 and #50 for further questions

12:24 pm Bench conference with members of jury panel

12:50 pm Recess

1:07 pm Outside the presence of the jury, Mr. Coan questions the Court regarding schedule; Court responds; Mr. Yoo questions the Court regarding practice of objections to jury instructions and restrictions on opening statement; Court responds

1:10 pm Panel members seated

1:13 pm Jury members selected and called

1:14 pm Remaining panel members dismissed

1:16 pm Jury members sworn in

1:17 pm Court instructs jury regarding not speaking to people involved in case; not discussing anything with anyone; and not posting on social media.

1:21 pm Recess

2:17 pm Jury seated

2:19 pm Court gives preliminary instructions

2:33 pm Objection by Mr. Yoo; Mr. Coan responds; Court responds

2:40 pm Mr. Yoo invokes the rule

2:41 pm Mr. Coan reads into the record the indictment

2:47 pm Objection by Mr. Yoo; Court responds

2:47 pm Mr. Yoo pleads innocent to Counts 1-7 and Count 8

2:48 pm Mr. Machicek begins opening statement

2:49 pm Objection by Mr. Yoo

2:49 pm Bench conference

2:54 pm Mr. Machicek continues with opening statement

3:08 pm Objection by Mr. Yoo; bench conference

3:11 pm Mr. Machicek continues with opening statement

3:14 pm Mr. Yoo begins opening statement

3:24 pm Government's witnesses sworn in; Court informs the witnesses the rule has been invoked and not to discuss any testimony with anyone besides the attorneys

3:24 pm Mr. Coan calls Special Agent Brian Noack

3:25 pm Mr. Coan begins direct examination

3:33 pm Mr. Coan moves to admit Exhibit #1; no objection

3:35 pm Mr. Yoo begins cross examination of Special Agent Noack

3:38 pm Mr. Yoo offers code for exhibit; Mr. Coan advises he has not seen code; Court instructs Mr. Yoo to finish questioning and then the government can review before it is admitted

3:41 pm Objection by Mr. Coan; Court responds; Mr. Yoo responds

3:43 pm Mr. Coan begins re-direct examination

3:44 pm Bench conference

3:46 pm Mr. Yoo begins re-cross examination

3:47 pm Witness excused

3:47 pm Recess

4:05 pm Outside the presence of the jury, the Court discusses getting phone numbers from the jury in case of inclement weather overnight

4:07 pm Mr. Coan calls Paul Freese

4:08 pm Mr. Coan begins direct examination of Investigator Freese

4:21 pm Mr. Coan offers Exhibit #3 as a demonstrative; no objection

4:56 pm Objection by Mr. Yoo; Court responds

4:59 pm Mr. Yoo begins cross examination of Investigator Freese

5:06 pm Mr. Yoo offers 27 CFR Section 125 section 478.125 as an exhibit

5:12 pm Objection by Mr. Coan; Mr. Yoo responds; Court responds

5:15 pm Objection by Mr. Coan; Mr. Yoo responds; Court responds

5:18 pm Bench conference

5:21 pm Mr. Yoo argues motion to impeach witness; Mr. Coan responds; Mr. Yoo responds; Court responds

5:23 pm Mr. Coan begins re-direct examination of Investigator Freese

5:25 pm Mr. Yoo begins re-cross examination of Investigator Freese

5:26 pm Witness excused

5:27 pm Jury excused

5:28 pm Outside the presence of the jury, Mr. Coan advises he will supply a list of witnesses to be used in the morning; Mr. Yoo will supply exhibits to be used; Court responds

5:30 pm Mr. Yoo objects to Agent Reed is at counsel table; Court responds; Mr. Coan responds; Mr. Yoo responds; Court responds

5:33 pm Mr. Yoo addresses the Court regarding his plea of innocent; Mr. Coan responds; Court responds; Mr. Haas confers with Mr. Yoo

5:36 pm Mr. Yoo objects to the jury instructions; Court responds; both parties are to provide the Court with instructions in the morning

5:40 pm Recess